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16 BLUE SHIELD OF CALIFORNIA

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DARLERY FRANCO *et al.*,

Plaintiffs

v.

CONNECTICUT GENERAL LIFE INS. CO.
et al.

Defendants

IN RE AETNA UCR LITIGATION

IN RE WELLPOINT, INC. OUT-OF-NETWORK “UCR” RATES LITIG.

Robert E. Bloch (*pro hac vice*)
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Misc. Case No. CV 10 80157 JSW (JCS)

Currently Pending in U.S. District Court,
D.N.J. (No. 07-cv-6039)

Misc. Case No. CV 10 80158 JSW (JCS)

Currently Pending in U.S. District Court,
D.N.J. (Master File 07-cv-3541)

Misc. Case No. CV 10 80159 JSW (JCS)

Currently Pending in U.S. District Court,
C.D. Cal. (MDL No. 09-2074-PSG (CTx))

**STIPULATION AND [PROPOSED]
ORDER OF DISMISSAL WITHOUT
PREJUDICE**

STIPULATION

2 WHEREAS, plaintiffs in each of the following actions (“Plaintiffs”) caused an identical
3 subpoena *duces tecum* to be served on non-party Blue Shield of California (“BSC”) in the
4 Northern District of California:

12 WHEREAS, on June 29, 2010, BSC filed three identical motions to quash the subpoenas
13 in the above-captioned actions in the Northern District of California; and

14 WHEREAS, Plaintiffs have agreed to withdraw those three subpoenas in their entirety,
15 IT IS HEREBY STIPULATED AND AGREED, pursuant to Federal Rules of Civil

16 Procedure 41(a)(1)(A)(ii) and 41(c), that the three above-captioned miscellaneous actions be

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1 dismissed without prejudice. It is further stipulated that each party shall bear its own costs and
2 fees incurred to date.

3 Respectfully submitted,

4 MAYER BROWN LLP

5 Dated: August 10, 2010

/s/ Richard M. Assmus

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9 *Attorneys for Non-Party Blue Shield of California*

10 BONNETT, FAIRBOURN, FRIEDMAN & BALINT, PC

11 Dated: August 10, 2010

/s/ Kathryn Honecker

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Phoenix, AZ 85012
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15 *Attorneys for Plaintiffs in the underlying actions*

16 *Filer's Attestation: Pursuant to Gen. Order No. 45, Section X(B), Jason A. Wrubleski hereby
attests that the signatories' concurrence in the filing of this document has been obtained.*

18 **[PROPOSED] ORDER**

19 **PURSUANT TO STIPULATION, IT IS SO ORDERED.** The three above-captioned
20 miscellaneous actions are hereby **DISMISSED** without prejudice, and the status conference
21 currently set for August 13, 2010 is hereby **VACATED**. Each party shall bear its own costs and
22 fees incurred to date.

23 **IT IS SO ORDERED.**

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25 Dated: 08/11/10

